IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 225 OF 2005

IN

FAMILY COURT APPEAL (ST.) NO. 16534 OF 2004

COL. H. P. SINGH .. APPELLANT

Versus

MRS. PREETI M. BOSCOD'MELLO .. RESPONDENT

Ms. Sunita Tiwari for appellant

Ms. Veena Gawda for respondent

CORAM:-SMT. RANJANA DESAI &

D.B. BHOSALE, JJ.

DATED:-1/3/06

P.C.

. We have interviewed the parties in our chamber. We have also interviewed child Shiv in our chamber. We have heard the learned counsel for the parties.

2. Daughter Oona Shambhavi is studying in Dehradun and child Shiv is studying in Bombay. We are of the opinion that though custody of the children cannot be given to the appellant at this stage

access must be provided to him. Hence, we pass the following order:-

3. We are informed that the daughter's school is likely to close for vacation on 24/5/06. We are informed that the school authorities bring the daughter from Dehradun to Delhi. The appellant shall communicate with the school authorities and accordingly pick daughter Oona from Delhi Railway Station and take her to his house on 25/5/06. Shiv's school will close for vacation on 26/4/06. He shall also join his father in Delhi on 26/4/06. The children shall stay with the father upto 5/6/06. The appellant shall see to it that both the children come to Bombay on 5th or 6th June, 2006. Similar pattern of vacation access may be followed by parties by mutual agreement. The travelling expenses of the son shall be borne by the appellant and of the daughter shall be borne by the respondent.

4. We make it clear that this arrangement can be slightly varied mutually by the parties as per the school schedule for the convenience of the children. We make it clear that, if the appellant

wants to meet the children in Bombay, by prior communication with the respondent he can do so. The respondent will ensure that the children meet the appellant in Bombay also.

5. So far as the jewellery is concerned, that question will be be considered by this court at the time of final hearing of the appeal.

6. Sofar as the maintenance is concerned, the Family Court has directed the appellant to pay Rs.7000/- per month to the daughter and Rs.5000/- per month to the son. Admittedly the appellant has retired from army. He is presently getting Rs.11,321/- by way of pension. In the circumstances of the case, therefore, we reduce the maintenance amount of the daughter from Rs.7,000/- to Rs.5,000/- and of the son from Rs.5000/ to Rs.3000/- per month. We are informed that the mother is also serving. In the circumstances, in our opinion, this reduction of maintenance is justified. Liberty is always there of course to the parties to apply for modification of the order as regards maintenance, if circumstances so demand.

7. Sofar as arrears of maintenance are concerned,

in the court today the appellant's counsel has handed over a cheque of Rs.70,000/- to the respondent's counsel towards arrears of maintenance.

8. No other order is necessary on the civil application. Civil application is disposed of.

(SMT. RANJANA DESAI,J.)

(D. B. BHOSALE, J.)